

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

KEITH CLAYTON MESNER,

Civil No. 06-2118 ADM/SRN

Petitioner,

ORDER

v.

WARDEN R.L. MORRISON,

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated September 27, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Petitioner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1) is **DENIED AS MOOT**, in light of the BOP's policy change of assigning prisoners to RRCs without regard to 28 C.F.R. §§ 570.20 and 570.21; and **DENIED**, in part, to the extent that it seeks immediate transfer to an RRC.
2. Petitioner's petition is dismissed.

DATED: October 27, 2006.

s/Ann D. Montgomery

Judge Ann D. Montgomery
United States District Court Judge